

# JOURNAL OF THE SENATE

## NINETIETH SESSION

---

TWENTY-FIFTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, February 20, 2015

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Dodie Noordermeer, followed by the Pledge of Allegiance led by Senate page Jake Rysdon.

Roll Call: All members present except Sens. Greenfield (Brock), Ewing, Peterson (Jim), and White who were excused.

### APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

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1 January 20, 2015

2 The Honorable Matt Michels  
3 President of the Senate  
4 500 East Capitol Avenue  
5 Pierre, SD 57501-5070

6 Dear Mr. President and Members of the Senate:

7 Pursuant to the provisions of Article IV, Section 9, of the Constitution and subject to your  
8 consent, I have the honor to inform you that I have reappointed Dennis Kaemingk, Davison  
9 County, Mitchell, South Dakota, to the position of Secretary of the Department of Corrections.

10 This appointment was effective January 12, 2015.

11 Sincerely,  
12 Dennis Daugaard  
13 Governor

14 The President announced the referral of the reappointment to the Committee on Judiciary.

15 January 20, 2015

16 The Honorable Matt Michels  
17 President of the Senate  
18 500 East Capitol Avenue  
19 Pierre, SD 57501-5070

20 Dear Mr. President and Members of the Senate:

21 Pursuant to the provisions of Article IV, Section 9, of the Constitution and subject to your  
22 consent, I have the honor to inform you that I have reappointed Trevor Jones, Hughes County,  
23 Pierre, South Dakota, to the position of Secretary of the Department of Public Safety.

24 This appointment was effective January 12, 2015.

25 Sincerely,  
26 Dennis Daugaard  
27 Governor

28 The President announced the referral of the reappointment to the Committee on Judiciary.

29 January 20, 2015

30 The Honorable Matt Michels  
31 President of the Senate

1 500 East Capitol Avenue  
2 Pierre, SD 57501-5070

3 Dear Mr. President and Members of the Senate:

4 Pursuant to the provisions of Article IV, Section 9, of the Constitution and subject to your  
5 consent, I have the honor to inform you that I have reappointed Darin Bergquist, Hughes  
6 County, Pierre, South Dakota, to the position of Secretary of the Department of Transportation.

7 This appointment was effective January 12, 2015.

8 Sincerely,  
9 Dennis Daugaard  
10 Governor

11 The President announced the referral of the reappointment to the Committee on  
12 Transportation.

13 January 20, 2015

14 The Honorable Matt Michels  
15 President of the Senate  
16 500 East Capitol Avenue  
17 Pierre, SD 57501-5070

18 Dear Mr. President and Members of the Senate:

19 Pursuant to the provisions of Article IV, Section 9, of the Constitution and subject to your  
20 consent, I have the honor to inform you that I have reappointed James Hagen, Hughes County,  
21 Pierre, South Dakota, to the position of Secretary of the Department of Tourism.

22 This appointment was effective January 12, 2015.

23 Sincerely,  
24 Dennis Daugaard  
25 Governor

26 The President announced the referral of the reappointment to the Committee on State  
27 Affairs.

28 January 20, 2015

29 The Honorable Matt Michels  
30 President of the Senate  
31 500 East Capitol Avenue  
32 Pierre, SD 57501-5070

1 Dear Mr. President and Members of the Senate:

2 Pursuant to the provisions of Article IV, Section 9, of the Constitution and subject to your  
3 consent, I have the honor to inform you that I have reappointed Lynne Valenti, Hughes County,  
4 Pierre, South Dakota, to the position of Secretary of the Department of Social Services.

5 This appointment was effective January 12, 2015.

6 Sincerely,  
7 Dennis Daugaard  
8 Governor

9 The President announced the referral of the reappointment to the Committee on Health and  
10 Human Services.

11 **REPORTS OF STANDING COMMITTEES**

12 MR. PRESIDENT:

13 The Committee on Legislative Procedure respectfully reports that SB 16, 40, 77, and 85  
14 were delivered to his Excellency, the Governor, for his approval at 10:50 a.m., February 20,  
15 2015.

16 Respectfully submitted,  
17 Corey Brown, Chair

18 Also MR. PRESIDENT:

19 The Committee on Transportation respectfully reports that it has had under consideration  
20 HB 1113 and returns the same with the recommendation that said bill do pass and be placed on  
21 the consent calendar.

22 Also MR. PRESIDENT:

23 The Committee on Transportation respectfully reports that it has had under consideration  
24 SB 185 which was tabled.

25 Respectfully submitted,  
26 Mike Vehle, Chair

27 Also MR. PRESIDENT:

28 The Committee on Appropriations respectfully reports that it has had under consideration  
29 SB 53 and 54 and returns the same with the recommendation that said bills do pass.

1 Also MR. PRESIDENT:

2 The Committee on Appropriations respectfully reports that it has had under consideration  
3 SB 52 and returns the same with the recommendation that said bill be amended as follows:

4 52gb

5 On page 1 of the printed bill, delete lines 4 to 11, inclusive, and insert:

6 "Section 1. That § 4-5-30.1 be amended to read as follows:

7 4-5-30.1. Notwithstanding the provisions of § 4-5-30, on or about June first of each fiscal  
8 year the state investment officer shall estimate the proration due to the general fund for the next  
9 fiscal year. No later than June fifteenth of that fiscal year, the state investment officer shall  
10 credit the general fund with an amount equal to ~~ninety~~ fifty percent of the estimated proration  
11 due to the general fund for the next fiscal year. At such time that the actual proration to the  
12 general fund is determined, the state investment officer shall credit or debit the remaining  
13 proration due to the general fund.

14 Section 2. That § 4-5-30.1 be repealed on June 1, 2016."

15 52gta

16 On page 1, line 1, of the printed bill, delete "repeal" and insert "revise".

17 And that as so amended said bill do pass.

18 Also MR. PRESIDENT:

19 The Committee on Appropriations respectfully reports that it has had under consideration  
20 SB 106 and returns the same with the recommendation that said bill be amended as follows:

21 106gb

22 On the printed bill, delete everything after the enacting clause and insert:

23 "Section 1. There is hereby appropriated from the general fund the sum of one dollar (\$1)  
24 or so much thereof as may be necessary, to the Department of Education to provide additional  
25 funding to the South Dakota technical institutes.

26 Section 2. The secretary of education shall approve vouchers and the state auditor shall draw  
27 warrants to pay expenditures authorized by this Act.

28 Section 3. Whereas, this Act is necessary for the support of the state government and its  
29 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
30 full force and effect from and after its passage and approval."

1 106ga

2 On page 1, line 1, of the printed bill, after "institutes" insert ", to make an appropriation  
3 therefor, and to declare an emergency".

4 And that as so amended said bill do pass.

5 Also MR. PRESIDENT:

6 The Committee on Appropriations respectfully reports that it has had under consideration  
7 SB 176 and returns the same with the recommendation that said bill be amended as follows:

8 176ga

9 On page 1, line 4, of the printed bill, delete "five hundred" and insert "one dollar (\$1)".

10 On page 1, line 5, delete "thousand dollars (\$500,000)".

11 176gb

12 On page 1, after line 12 of the printed bill, insert:

13 "Section 4. Whereas, this Act is necessary for the support of the state government and its  
14 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
15 full force and effect from and after its passage and approval."

16 176gtb

17 On page 1, line 2, of the printed bill, delete "and".

18 On page 1, line 2, after "therefor" insert ", and to declare an emergency".

19 And that as so amended said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on Appropriations respectfully reports that it has had under consideration  
22 SB 193 and returns the same with the recommendation that said bill be amended as follows:

23 193md

24 On the printed bill, delete everything after the enacting clause and insert:

25 "Section 1. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as  
26 follows:

1 Terms used in this Act mean:

2 (1) "Agency," a state agency, department, division, program, or office of any state  
3 agency, bureau, authority, institution, council, board, commission, or program of  
4 state government. This term does not include any unit of local government;

5 (2) "Committee," the Government Operations and Audit Committee;

6 Section 2. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 During each interim, the committee shall conduct agency evaluations which may consider  
9 any of the following:

10 (1) Whether the funds which have been appropriated or otherwise allotted by the  
11 Legislature to the various state agencies have been expended in accordance with  
12 legislative intent;

13 (2) Whether programs administered by the agencies are being conducted according to  
14 legislative intent;

15 (3) Whether money and other assets for which the agency is responsible have been  
16 properly administered;

17 (4) Whether reports and financial statements of the agency adequately disclose the nature  
18 and scope of the activities conducted and provide a proper basis for evaluating the  
19 agency's operations;

20 (5) Whether there is duplication or overlap of services;

21 (6) Whether there are alternative means of achieving the same results;

22 (7) Whether the committee agrees with the goals of the agency;

23 (8) Whether the committee agrees with the objectives of the agency;

24 (9) Whether the objectives are measurable and have identified targets or benchmarks;

25 (10) Whether the agency's performance measures can determine progress toward the  
26 targets or benchmarks; and

27 (11) Any other factors relating to the efficiency, economy, and effectiveness of the agency  
28 being evaluated.

29 Section 3. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as  
30 follows:



1 The committee shall develop a schedule for evaluating each state agency. The committee  
2 shall ensure that each agency is evaluated at least once every eight years, except any agency the  
3 committee exempts from evaluation.

4 Section 4. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The committee shall provide the results of the evaluations to the Executive Board of the  
7 Legislative Research Council in a written report by December first of each year.

8 Section 5. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 Any officer or employee of a state agency subject to the evaluations required in this Act  
11 shall fully assist the committee during the course of the evaluation. The committee and staff  
12 shall have access to and authority to examine all books, records, accounts, files, correspondence,  
13 and all other documents, confidential or otherwise, maintained by the agency or its employees  
14 during the course of agency business. The committee and staff shall maintain as confidential any  
15 information received that is specifically enjoined to be held confidential by law.

16 Section 6. This Act is effective January 1, 2016."

17 193mta

18 On page 1, line 1, of the printed bill, delete everything after "of" and insert "state  
19 government agencies and require a report."

20 On page 1, delete line 2.

21 And that as so amended said bill do pass.

22 Also MR. PRESIDENT:

23 The Committee on Appropriations respectfully reports that it has had under consideration  
24 SB 50 and returns the same with the recommendation that said bill be amended as follows:

25 50ja

26 On page 3, between lines 12 and 13 of the printed bill, insert:

27 "Section 7. If at any point in time, the Department of Game, Fish and Park requests the  
28 Building Authority to issue bonds to finance the costs authorized in section 1 of this Act, or to  
29 restore the amounts appropriated to the Custer State Park improvement fund as provided in  
30 section 2 of this Act, the Building Authority shall issue bonds for such purposes using such  
31 combination of tax exempt and taxable bonds as it deems necessary or appropriate."

1 On page 4, line 4, delete "9" and insert "10".

50ge

3 On page 2, line 2, of the printed bill, delete "general" and insert "budget reserve".

4 On page 2, line 9, after "interest" delete ", to the general fund".

5 On page 2, line 9, before "shall" delete "general fund" and insert "state".

6 On page 2, line 10, delete "from the general fund".

7 On page 2, line 15, delete "to the general fund".

8 On page 2, line 16, delete "general fund." and insert "state. Principal payments shall be  
9 deposited in the budget reserve fund and interest payments shall be deposited in the general  
10 fund.".

11 On page 2, line 17, delete "general fund" and insert "state".

12 On page 2, line 24, before "until" delete "general fund" and insert "state".

13 On page 2, line 24, delete "from the general fund".

14 On page 3, line 4, delete "from the general fund" and insert "pursuant to section 2 of this  
15 Act".

16 On page 3, line 6, delete "general" insert "budget reserve".

17 On page 3, line 8, delete "general fund" and insert "state".

18 On page 3, line 9, delete "from the".

19 On page 3, line 10, delete "general fund".

20 On page 3, line 12, delete "from the general fund".

21 On page 3, line 24, delete "from the general fund".

22 On page 4, line 2, delete "general fund" and insert "amounts appropriated pursuant to  
23 section 2 of this Act".

24 On page 4, line 9, delete "Except as provided in section 2 of this Act, no" and insert "No".

25 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Appropriations respectfully reports that it has had under consideration  
3 SB 55 and returns the same with the recommendation that said bill be amended as follows:

4 55ga

5 On page 9 of the printed bill, delete lines 8 to 12, inclusive.

6 And that as so amended said bill do pass.

7 Also MR. PRESIDENT:

8 The Committee on Appropriations respectfully reports that it has had under consideration  
9 SB 99 and returns the same with the recommendation that said bill be amended as follows:

10 99ga

11 On page 2, line 1, of the printed bill, delete "nine million" and insert "one dollar (\$1)".

12 On page 2, line 2, delete "dollars (\$9,000,000)".

13 And that as so amended said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on Appropriations respectfully reports that it has had under consideration  
16 SB 181 and returns the same with the recommendation that said bill be amended as follows:

17 181gb

18 On page 1, line 4, of the printed bill, delete "three million one" and insert "one dollar (\$1)".

19 On page 1, line 5, delete "hundred ninety-nine thousand five hundred forty-eight dollars  
20 (\$3,199,548)".

21 On page 1, line 8, delete "seven hundred" and insert "one dollar (\$1)".

22 On page 1, line 9, delete "thirty-five thousand eight hundred ninety-six dollars (\$735,896)".

23 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Appropriations respectfully reports that it has had under consideration  
3 SB 144, 145, 147, 157, 163, and 169 which were tabled.

4 Respectfully submitted,  
5 Deb Peters, Chair

6 Also MR. PRESIDENT:

7 The Committee on Taxation respectfully reports that it has had under consideration SB 119  
8 and returns the same with the recommendation that said bill be amended as follows:

9 119oa

10 On the printed bill, delete everything after the enacting clause and insert:

11 "Section 1. That chapter 21-54 be amended by adding thereto a NEW SECTION to read  
12 as follows:

13 An owner of an unencumbered, except for taxes owed, mobile home or manufactured home  
14 may voluntarily transfer title of the mobile home or manufactured home, for the sole purpose  
15 of disposal, to the owner of the real property upon which the mobile home or manufactured  
16 home is located. The treasurer shall issue a title to the owner of the real property on which the  
17 mobile home or manufactured home is located, without payment or obligation to pay any taxes  
18 owed on the home at the time of acquisition.

19 Prior to disposal, the owner of the real property shall submit an affidavit for disposal of the  
20 mobile home or manufactured home, and the properly endorsed title, to the county treasurer  
21 verifying that title was transferred for disposal purposes only and that no consideration was  
22 exchanged.

23 If the owner of the real property is moving the mobile home or manufactured home as part  
24 of the disposal process, the county treasurer shall issue the permit provided by § 32-5-16.3 to  
25 move the mobile home or manufactured home for disposal purposes without receiving payment  
26 of taxes owed on the mobile home or manufactured home.

27 The owner of the real property has ninety days from the date of the affidavit to dispose of  
28 the mobile home or manufactured home and to surrender the title to the county treasurer. The  
29 county treasurer may allow an additional sixty days for disposal upon request by the owner of  
30 the mobile home or manufactured home upon good cause shown for such additional days. If the  
31 title is not timely surrendered to the county treasurer, the owner of the real property is liable for  
32 all taxes owed on the mobile home or manufactured home.

1 The Department of Revenue shall prescribe the form for the affidavit required by this  
2 section.

3 Section 2. The county treasurer shall deliver the affidavit filed pursuant to section 1 of this  
4 Act to the board of county commissioners after issuance of the permit. Upon receipt of the  
5 affidavit, the board of county commissioners shall abate any taxes owed on the mobile home  
6 or manufactured home pursuant to the provisions of § 21-54-19. However, if the owner of the  
7 real property failed to timely surrender the title to the county treasurer, the board may not abate  
8 any taxes owed on the mobile home or manufactured home."

9 And that as so amended said bill do pass.

10 Respectfully submitted,  
11 Jeff Monroe, Chair

12 Also MR. PRESIDENT:

13 The Committee on Health and Human Services respectfully reports that it has had under  
14 consideration HB 1079, which was removed from the table, and returns the same with the  
15 recommendation that said bill be amended as follows:

16 1079ja

17 On page 1, line 5, of the printed bill, delete "September" and insert "November".

18 On page 1, line 6, delete "thirtieth" and insert "fifteenth".

19 And that as so amended said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on Health and Human Services respectfully reports that it has had under  
22 consideration HB 1155 which was tabled.

23 Respectfully submitted,  
24 Bruce Rampelberg, Chair

## 25 MESSAGES FROM THE HOUSE

26 MR. PRESIDENT:

27 I have the honor to return herewith SCR 5 in which the House has concurred.

1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith HB 1107 and 1230 which have passed the House and  
3 your favorable consideration is respectfully requested.

4 Respectfully,  
5 Arlene Kvislen, Chief Clerk

6 **MOTIONS AND RESOLUTIONS**

7 SENATE PAGE RESOLUTION 3 Introduced by: Senators Bradford; Brown; Buhl  
8 O'Donnell; Cammack; Curd; Ewing; Frerichs; Greenfield, Brock; Hagger, Jenna; Haverly;  
9 Heineman, Phyllis; Heinert; Holien; Hunhoff, Bernie; Jensen, Phil; Lederman; Monroe;  
10 Novstrup, David; Olson; Omdahl; Otten, Ernie; Parsley; Peters; Peterson, Jim; Rampelberg;  
11 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

12 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Ninetieth  
13 Legislature of the State of South Dakota to Caroline Crinion, Avery Del Grosso, Gerald  
14 Fraas, Christine Keller, Jeanette Klein, Logan Larsen, Joshua Liester, Jake Rysdon,  
15 Chantel Schroer, Maria Schwader, Andrew Silva, Madeline Tyrell, Bailey Willems

16 WHEREAS, the above named served loyally as pages for the Senate of the Ninetieth  
17 Legislative Session; and

18 WHEREAS, the members of the Ninetieth Senate express their most sincere appreciation  
19 to these young people for their service to the state; and

20 WHEREAS, the members extend to these young people their wishes for every success in  
21 life:

22 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninetieth Legislature of  
23 the State of South Dakota, that a personal copy of this resolution be duly certified and furnished  
24 to each page on this last day of service.

25 Sen. Cammack moved that Senate Page Resolution 3 be adopted.

26 The question being on Sen. Cammack's motion that Senate Page Resolution 3 be adopted.

27 And the roll being called:

28 Yeas 31, Nays 0, Excused 4, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly;  
3 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;  
4 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;  
5 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

6 Excused:

7 Ewing; Greenfield (Brock); Peterson (Jim); White

8 So the motion having received an affirmative vote of a majority of the members-elect, the  
9 President declared the motion carried.

10 Yesterday, Sen. Monroe announced his intention to reconsider the vote by which SB 159  
11 lost.

12 Sen. Monroe moved that the Senate do now reconsider the vote by which SB 159 lost.

13 The question being on Sen. Monroe's motion to reconsider the vote by which SB 159 lost.

14 And the roll being called:

15 Yeas 28, Nays 3, Excused 4, Absent 0

16 Yeas:

17 Bradford; Brown; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly; Heineman (Phyllis);  
18 Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson;  
19 Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen;  
20 Van Gerpen; Vehle

21 Nays:

22 Buhl O'Donnell; Omdahl; Peters

23 Excused:

24 Ewing; Greenfield (Brock); Peterson (Jim); White

25 So the motion having received an affirmative vote of a majority of the members-elect, the  
26 President declared the motion carried and SB 159 was up for reconsideration and final passage.

27 Sen. Monroe moved that SB 159 be deferred to Tuesday, February 24, the 26<sup>th</sup> legislative  
28 day.

29 Which motion prevailed.

1                   **FIRST READING OF CONCURRENT RESOLUTIONS**

2           SCR 7 Introduced by: Senators Buhl O'Donnell, Bradford, Brown, Cammack, Frerichs,  
3   Heinert, Holien, Hunhoff (Bernie), Lederman, Novstrup (David), Parsley, Peters, Rampelberg,  
4   Rave, Rusch, Soholt, Solano, Sutton, Tidemann, Tieszen, and Vehle and Representatives  
5   Bartling, Bordeaux, DiSanto, Feickert, Gibson, Greenfield (Lana), Hawks, Hawley, Hickey,  
6   Hunhoff (Jean), Killer, Kirschman, McCleerey, Ring, Schrempp, Soli, and Wollmann

7   A CONCURRENT RESOLUTION, Commending and recognizing the numerous contributions  
8   made by South Dakota's social workers.

9           WHEREAS, the primary mission of the social work profession is to enhance well-being and  
10   help meet the basic needs of all people, especially the most vulnerable in society; and

11          WHEREAS, social work pioneers helped lead America's struggle for social justice and pave  
12   the way for positive social change; and

13          WHEREAS, social workers have a unique understanding that more must be done to address  
14   persistent social problems; and

15          WHEREAS, social workers are change agents who put the ideals of citizenship into action  
16   everyday through major legislative, regulatory, and social policy victories; and

17          WHEREAS, social workers support diverse families in every community, understanding that  
18   individuals and communities together can bring about group change; and

19          WHEREAS, social workers continue to work to improve the rights of women, Native  
20   Americans and other ethnic minorities, and the LGBT community; and

21          WHEREAS, social workers apply their research and legislative advocacy skills to transform  
22   community needs into national priorities; and

23          WHEREAS, social workers know from experience that discrimination of any kind limits  
24   human potential and must be eliminated; and

25          WHEREAS, social workers know from experience that poverty and trauma can create  
26   lifelong social and economic disadvantages; and

27          WHEREAS, social workers help people in every stage of life function better in their  
28   environments, improve their relationships with others, and solve personal and family problems;  
29   and

30          WHEREAS, all children have the right to safe environments and quality education; and



1 WHEREAS, dignity and care-giving for older adults help define a nation's character; and

2 WHEREAS, veterans and their families need community support to ensure successful  
3 transitions after service; and

4 WHEREAS, access to mental health treatment and health care services saves millions of  
5 lives; and

6 WHEREAS, research shows that all people, no matter their circumstance, at some time in  
7 their lives, may need the expertise of a skilled social worker; and

8 WHEREAS, social workers celebrate the courage, hope, and strength of the human spirit  
9 throughout their careers:

10 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninetieth Legislature of the  
11 State of South Dakota, the House of Representatives concurring therein, that the Legislature of  
12 the State of South Dakota commends and recognizes the numerous contributions made by South  
13 Dakota's social workers; and

14 BE IT FURTHER RESOLVED, that the Legislature designates March 2015, as National  
15 Social Work Month and calls upon all South Dakotans to join with the National Association of  
16 Social Workers, the South Dakota Chapter, and the State of South Dakota in celebration and  
17 support of the social work profession.

18 Was read the first time, the President waived the referral to committee, and placed SCR 7  
19 on the calendar of Tuesday, February 24, the 26<sup>th</sup> legislative day.

## 20 **CONSIDERATION OF REPORTS OF COMMITTEES**

21 Sen. Rave moved that the reports of the Standing Committees on

22 Commerce and Energy on SB 101 as found on page 443 of the Senate Journal; also

23 Commerce and Energy on HB 1027 as found on page 444 of the Senate Journal be adopted.

24 Which motion prevailed.

## 25 **MOTIONS AND RESOLUTIONS**

26 Sen. Heineman (Phyllis) moved that SB 189 be placed on the calendar of Tuesday,  
27 February 24, the 26<sup>th</sup> legislative day, pursuant to JR 6F-6.

The question being on Sen. Heineman's motion that SB 189 be placed on the calendar of Tuesday, February 24, the 26<sup>th</sup> legislative day, pursuant to JR 6F-6.

And the roll being called:

Yeas 24, Nays 7, Excused 4, Absent 0

Yeas:

Brown; Cammack; Curd; Frerichs; Haggard (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Rampelberg; Rave; Rusch; Solano; Tieszen; Van Gerpen; Vehle

Nays:

Bradford; Buhl O'Donnell; Heinert; Peters; Soholt; Sutton; Tidemann

Excused:

Ewing; Greenfield (Brock); Peterson (Jim); White

So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and SB 189 was so placed.

## FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1107: FOR AN ACT ENTITLED, An Act to revise the definition of certain alcoholic beverages that are classified as cider.

Was read the first time and referred to the Committee on Commerce and Energy.

HB 1230: FOR AN ACT ENTITLED, An Act to affirm the sanctity of human life.

Was read the first time and referred to the Committee on Health and Human Services.

## CONSIDERATION OF EXECUTIVE APPOINTMENTS

The Senate proceeded to the consideration of the executive appointment of Deb Shephard of Codington County, Watertown, South Dakota, to the S.D. Board of Education.

The question being "Does the Senate advise and consent to the executive appointment of Deb Shephard pursuant to the executive message as found on page 256 of the Senate Journal?"

1 And the roll being called:

2 Yeas 31, Nays 0, Excused 4, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly;  
5 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;  
6 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;  
7 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

8 Excused:

9 Ewing; Greenfield (Brock); Peterson (Jim); White

10 So the question having received an affirmative vote of a majority of the members-elect, the  
11 President declared the appointment confirmed.

## 12 **CONSIDERATION OF EXECUTIVE APPOINTMENTS CONSENT CALENDAR**

13 The Senate proceeded to the consideration of the executive reappointment of Patrick J.  
14 Burchill of Pennington County, Rapid City, South Dakota, to the S.D. Ellsworth Development  
15 Authority.

16 The question being "Does the Senate advise and consent to the executive reappointment  
17 of Patrick J. Burchill pursuant to the executive message as found on page 257 of the Senate  
18 Journal?"

19 And the roll being called:

20 Yeas 31, Nays 0, Excused 4, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly;  
23 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;  
24 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;  
25 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

26 Excused:

27 Ewing; Greenfield (Brock); Peterson (Jim); White

28 So the question having received an affirmative vote of a majority of the members-elect, the  
29 President declared the reappointment confirmed.

30 The Senate proceeded to the consideration of the executive reappointment of Douglas J.  
31 Hajek of Minnehaha County, Sioux Falls, South Dakota, to the S.D. Building Authority.

The question being "Does the Senate advise and consent to the executive reappointment of Douglas J. Hajek pursuant to the executive message as found on page 256 of the Senate Journal?"

And the roll being called:

Yeas 31, Nays 0, Excused 4, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

Excused:

Ewing; Greenfield (Brock); Peterson (Jim); White

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

## SECOND READING OF CONSENT CALENDAR ITEMS

HB 1120: FOR AN ACT ENTITLED, An Act to revise the provisions related to phase in rate plans for plant additions.

Was read the second time.

The question being "Shall HB 1120 pass as amended?"

And the roll being called:

Yeas 31, Nays 0, Excused 4, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rempelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle

Excused:

Ewing; Greenfield (Brock); Peterson (Jim); White

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

## 2 REPORTS OF STANDING COMMITTEES

27 Section 4. The task force shall be under the supervision of the Executive Board of the  
28 Legislative Research Council and staffed and funded as a legislative interim committee. The  
29 task force shall complete its work and submit a final report to the Executive Board no later than  
30 December 1, 2015.

1 Section 5. Whereas, this Act is necessary for the immediate preservation of the public peace,  
2 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
3 effect from and after its passage and approval."

4 134oa

5 On the previously adopted amendment (134ca), at the end of subdivision (1) of section 3,  
6 after "Senate" insert ", no more than two of whom may be from one political party".

7 On the previously adopted amendment (134ca), at the end of subdivision (2) of section 3  
8 after "Representatives" insert ", no more than two of whom may be from one political party".

9 134cta

10 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "prohibit  
11 minor boundary changes for one year, to establish the school district boundary task force, and  
12 to declare an emergency."

13 On page 1, delete line 2.

14 And that as so amended said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration  
17 SB 103, 148, 149, 150, and 151 which were tabled.

18 Respectfully submitted,  
19 Tim Rave, Chair

20 Sen. Rave moved that SB 141, 142, 192, 91, 92, and 3 and HB 1081, 1080, 1089, 1130,  
21 1058, 1059, 1043, and 1013 be deferred to Tuesday, February 24, the 26<sup>th</sup> legislative day.

22 Which motion prevailed.

## 23 SIGNING OF BILLS

24 The President publicly read the title to

25 HB 1076: FOR AN ACT ENTITLED, An Act to permit the submission of a title insurance  
26 policy in lieu of an abstract in certain instances.

1 HB 1099: FOR AN ACT ENTITLED, An Act to revise certain provisions related to  
2 transferable interests in limited liability partnerships.

3 HB 1119: FOR AN ACT ENTITLED, An Act to revise certain adoption proceedings  
4 regarding the adult adoption of biological children.

5 HB 1178: FOR AN ACT ENTITLED, An Act to provide for the creation of an entity for  
6 the purpose of insurance contracts in certain instances.

7 HB 1180: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
8 regulation of captive insurance companies.

9 And signed the same in the presence of the Senate.

### 10 **COMMEMORATIONS**

11 SC 19 Introduced by: Senators Otten (Ernie), Brown, Lederman, and Rave and  
12 Representatives Otten (Herman) and Latterell

13 A LEGISLATIVE COMMEMORATION, Commending and honoring the Lennox School FFA  
14 chapter.

15 WHEREAS, the Lennox FFA chapter, advised by Jim Wilson, has exhibited exemplary  
16 citizenship and leadership in agriculture; and

17 WHEREAS, the Lennox FFA Ag Issues team including, Mahli Strasser (president), Brady  
18 Klock (vice president), Molly Kroeger (secretary), Brady Jandl (treasurer), John Steever  
19 (reporter), Grant Sweeter (sentinel), Mason Oltmanns (student advisor), and Jacob Ziegler  
20 (alternate), placed second at the South Dakota FFA Convention; and

21 WHEREAS, Molly Kroeger won a state title as an individual competitor in the Public  
22 Speaking CDE:

23 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State  
24 of South Dakota, that the Lennox High School FFA chapter and its members are commended  
25 and honored for their work in agricultural leadership.

26 SC 20 Introduced by: Senators Otten (Ernie), Brown, Lederman, and Rave and  
27 Representatives Otten (Herman) and Latterell

28 A LEGISLATIVE COMMEMORATION, Honoring and celebrating Leslie Fylling upon  
29 receiving the Teacher of the Year award, presented by the Tea Area Parent Teacher  
30 Organization.

31 WHEREAS, Leslie Fylling was chosen as the Tea Area School District's first Teacher of the  
32 Year; and

WHEREAS, Leslie Fyelling, an elementary music instructor, has demonstrated outstanding performance and dedication in the classroom; and

WHEREAS, Leslie Fyelling has been a leader in creating an engaging and inspiring presence that motivates and impacts her students, colleagues, and the community:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State of South Dakota, that Leslie Fyelling is congratulated upon her selection as Teacher of the Year.

SC 21 Introduced by: Senators Tidemann, Brown, Cammack, Ewing, Haverly, Hunhoff (Bernie), Monroe, Olson, Omdahl, Otten (Ernie), Peters, Rampelberg, Rave, Rusch, Solano, Tieszen, Van Gerpen, and Vehle and Representatives Hawley, Bartling, Beal, Bolin, Campbell, Conzet, Deutsch, DiSanto, Duvall, Greenfield (Lana), Hagggar (Don), Harrison, Haugaard, Hawks, Hickey, Hunt, Jensen (Alex), Langer, Mickelson, Munsterman, Novstrup (Al), Otten (Herman), Qualm, Rasmussen, Rounds, Sly, Solum, Stalzer, Stevens, Verchio, Westra, Wiik, Willadsen, Wink, and Zikmund

A LEGISLATIVE COMMEMORATION, recognizing and commending the 100th anniversary of the Order of the Arrow, the National Honor Society of the Boy Scouts of America.

WHEREAS, July 16, 2015, will be the 100th anniversary of the Order of the Arrow, the National Honor Society of the Boy Scouts of America. Founded in 1915, the Order of the Arrow currently has over 170,000 active members worldwide; and

WHEREAS, the Order of the Arrow program is based around the concept of a brotherhood of cheerful service. Nationally, as well as locally, Arrowmen, as members are known, provide countless hours of selfless service to local organizations. Through this cheerful service, scouts are instilled with values that will reflect throughout their entire life; and

WHEREAS, in South Dakota, the Order of the Arrow was founded in the late 1930s. The east river portion of the program, serving the Sioux Council of the Boy Scouts of America under the name of Tetonwana Lodge 105, was founded in 1937 in Brookings. The west river portion of the program, serving the Black Hills Area Council of the Boy Scouts of America under the name Crazy Horse Lodge 171, was founded in 1939 in Rapid City; and

WHEREAS, since their founding, thousands of South Dakota Boy Scouts have passed through the program, many of whom have gone on to become outstanding and successful citizens:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State of South Dakota, that the Legislature commends the Order of the Arrow of the Boy Scouts of America on 100 years of service and for their outstanding character and leadership skills.

Sen. Hagggar (Jenna) moved that the Senate do now adjourn, which motion prevailed and at 1:46 p.m. the Senate adjourned.

Kay Johnson, Secretary